

REMARKS

In response to the Restriction Requirement dated December 29, 2005, Applicants provisionally elect, with traverse, the invention of Group I (claims 2, 3, 6-8, 11-15 and 18-22) directed to antisense compounds and methods of targeting the human antioxidant enzyme manganese superoxide dismutase. Reconsideration and withdrawal of the restriction requirement in view of the remarks below, is respectfully requested.

The Restriction Requirement is traversed on the basis that the inventions are closely related. The claims in Groups II-IV involved 18- to 26-nucleotide antisense compounds that target a contiguous portion of a nucleic acid (including the start codon) that encode the human antioxidant enzyme: copper and zinc superoxide dismutase, catalase, phospholipids glutathione peroxidase or cytosolic glutathione peroxidase. Thus, the inventions of Group I-IV are closely related in that they are all directed to antisense compounds and methods that target human antioxidant enzymes.

The Restriction Requirement is also traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of at least a portion of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions. M.P.E.P. § 803. In addition, if members of a Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the Examiner must examine all the members of the Markush group in the claim on the merits. M.P.E.P. § 803.02. Applicants should not be required to incur the additional costs associated with the filing of multiple divisional applications in order to obtain protection for the claimed subject matter. Thus, the Restriction Requirement is properly traversed, and reconsideration and withdrawal is respectfully requested.

In the event that the Examiner does not withdraw the Restriction Requirement, Applicants understand that the subject matter of the non-elected claims may be pursued in a divisional patent application which shall enjoy all rights and benefits of 35 USC §121.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6913 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date of Deposit: May 30, 2006 (Tuesday following a Federal holiday)

This paper or fee is being filed on the date indicated above using the USPTO's electronic filing system EFS-Web, and is addressed to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

CANDIS BUENDING

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